

AMENDMENTS

2017—Subsec. (a)(1). Pub. L. 115–91, §1081(c)(1)(R)(i), struck out “(the Uniform Code of Military Justice)” after “this chapter” in introductory provisions.

Subsec. (b). Pub. L. 115–91, §1081(c)(1)(R)(ii), which directed amendment of subsec. (b) by striking out “(the Uniform Code of Military Justice)” after “this chapter” in the matter preceding subparagraph (A), was executed by making the amendment in introductory provisions of par. (1) of subsec. (b), to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 115–91, §1081(c)(1)(R)(iii), struck out “(the Uniform Code of Military Justice)” after “this chapter” in introductory provisions.

2016—Subsec. (a). Pub. L. 114–328, §5503(1), inserted heading.

Subsec. (a)(1). Pub. L. 114–328, §5503(1), substituted “The sections (articles) of this chapter (the Uniform Code of Military Justice)” for “The sections of this title (articles of the Uniform Code of Military Justice)” in introductory provisions.

Subsecs. (b) to (d). Pub. L. 114–328, §5503(2), (3), added subsecs. (b) to (d) and struck out former subsec. (b) which read as follows: “The text of the Uniform Code of Military Justice and of the regulations prescribed by the President under such Code shall be made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member’s personal examination.”

1996—Subsec. (a)(1). Pub. L. 104–106 substituted “within fourteen days” for “within six days”.

1986—Pub. L. 99–661 amended section generally, inserting provisions relating to reserve components.

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115–91 effective immediately after the amendments made by div. E (§§5001–5542) of Pub. L. 114–328 take effect as provided for in section 5542 of that Act (10 U.S.C. 801 note), see section 1081(c)(4) of Pub. L. 115–91, set out as a note under section 801 of this title.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114–328 effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114–328 and Ex. Ord. No. 13825, set out as notes under section 801 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–661 effective the earlier of (1) the last day of the 120-day period beginning on Nov. 14, 1986; or (2) the date specified in an Executive order for such amendment to take effect, see section 808 of Pub. L. 99–661, set out as a note under section 802 of this title.

§ 938. Art. 138. Complaints of wrongs

Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings had thereon.

(Aug. 10, 1956, ch. 1041, 70A Stat. 78.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
938	50:734.	May 5, 1950, ch. 169, §1 (Art. 138), 64 Stat. 144.

The words “commanding officer” are substituted for the word “commander”. The word “who” is inserted after the word “and”. The word “commissioned” is inserted after the word “superior” for clarity. The words “The officer exercising general court-martial jurisdiction” are substituted for the words “That officer” for clarity. The word “send” is substituted for the word “transmit”. The word “Secretary” is substituted for the word “Department” for accuracy, since the “Department”, as an entity, could not act upon the complaint.

§ 939. Art. 139. Redress of injuries to property

(a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the armed forces, he may, under such regulations as the Secretary concerned may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive on any disbursing officer for the payment by him to the injured parties of the damages so assessed and approved.

(b) If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

(Aug. 10, 1956, ch. 1041, 70A Stat. 78.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
939(a)	50:735(a).	May 5, 1950, ch. 169, §1 (Art. 139), 64 Stat. 144.
939(b)	50:735(b).	

In subsection (a), the words “Secretary concerned” are substituted for the words “Secretary of the Department”. The word “under” is substituted for the words “subject to”. The words “or affirmation” are omitted as covered by the definition of the word “oath” in section 1 of title 1. The words “it has” are substituted for the words “shall have” in the second sentence. The word “is” is substituted for the words “shall be” before the words “subject” and “conclusive”. The word “commissioned” is inserted for clarity.

In subsection (b), the word “If” is substituted for the word “Where”. The word “considered” is substituted for the word “deemed”.

§ 940. Art. 140. Delegation by the President

The President may delegate any authority vested in him under this chapter, and provide for the subdelegation of any such authority.

(Aug. 10, 1956, ch. 1041, 70A Stat. 78.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
940	50:736.	May 5, 1950, ch. 169, § 1 (Art. 140), 64 Stat. 145.

The word “may” is substituted for the words “is authorized to * * * to”.

§ 940a. Art. 140a. Case management; data collection and accessibility

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system (including with respect to the Coast Guard), including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

(2) Case processing and management.

(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

(4) Facilitation of public access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.

(b) PROTECTION OF CERTAIN PERSONALLY IDENTIFIABLE INFORMATION.—Records of trial, docket information, filings, and other records made publicly accessible in accordance with the uniform standards and criteria for conduct established by the Secretary under subsection (a) shall restrict access to personally identifiable information of minors and victims of crime (including victims of sexual assault and domestic violence), as practicable to the extent such information is restricted in electronic filing systems of Federal and State courts.

(c) INAPPLICABILITY TO CERTAIN DOCKETS AND RECORDS.—Nothing in this section shall be construed to provide public access to docket information, filings, or records that are classified, subject to a judicial protective order, or ordered sealed.

(d) PRESERVATION OF COURT-MARTIAL RECORDS WITHOUT REGARD TO OUTCOME.—The standards and criteria prescribed by the Secretary of Defense under subsection (a) shall provide for the preservation of general and special court-martial records, without regard to the outcome of the proceeding concerned, for not fewer than 15 years.

(Added Pub. L. 114-328, div. E, title LXI, § 5504(a), Dec. 23, 2016, 130 Stat. 2961; amended Pub. L.

116-92, div. A, title V, § 534(a), Dec. 20, 2019, 133 Stat. 1361; Pub. L. 116-283, div. A, title V, § 543, Jan. 1, 2021, 134 Stat. 3613.)

AMENDMENTS

2021—Subsec. (d). Pub. L. 116-283 added subsec. (d).

2019—Pub. L. 116-92 designated existing provisions as subsec. (a), inserted heading, in introductory provisions substituted “The Secretary of Defense, in consultation with the Secretary of Homeland Security,” for “The Secretary of Defense” and inserted “(including with respect to the Coast Guard)” after “military justice system”, in par. (4) inserted “public” before “access to docket information”, and added subsecs. (b) and (c).

EFFECTIVE DATE

Pub. L. 114-328, div. E, title LXI, § 5504(b), Dec. 23, 2016, 130 Stat. 2961, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall carry out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a).

“(2) STANDARDS AND CRITERIA.—Not later than 4 years after the date of the enactment of this Act, the standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), shall take effect.”

Except as otherwise provided, section effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328 and Ex. Ord. 13825, set out as notes under section 801 of this title.

APPLICATION OF EXISTING STANDARDS AND CRITERIA TO COAST GUARD

Pub. L. 116-92, div. A, title V, § 534(b), Dec. 20, 2019, 133 Stat. 1362, provided that: “The Secretary of Homeland Security shall apply to the Coast Guard the standards and criteria for conduct established by the Secretary of Defense under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as in effect on the day before the date of the enactment of this Act [Dec. 20, 2019], until such time as the Secretary of Defense, in consultation with the Secretary of Homeland Security, prescribes revised standards and criteria for conduct under such section that implement the amendments made by subsection (a) of this section [amending this section].”

SUBCHAPTER XII—UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

Sec.	Art.
941.	141. Status.
942.	142. Judges.
943.	143. Organization and employees.
944.	144. Procedure.
945.	145. Annuities for judges and survivors.
946.	146. Military Justice Review Panel.
946a.	146a. Annual reports.

AMENDMENTS

2017—Pub. L. 115-91, div. A, title X, § 1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1601, made technical amendment to Pub. L. 114-328, § 5541(8). See 2016 Amendment note below.

2016—Pub. L. 114-328, div. E, title LXIII, § 5541(8), Dec. 23, 2016, 130 Stat. 2967, as amended by Pub. L. 115-91, div. A, title X, § 1081(d)(19)(A), Dec. 12, 2017, 131 Stat. 1601, added item 946a and substituted “Military Justice Review Panel” for “Code committee” in item 946.

1994—Pub. L. 103-337, div. A, title IX, § 924(c)(3)(A), Oct. 5, 1994, 108 Stat. 2831, substituted “UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES” for “COURT OF MILITARY APPEALS” as subchapter heading.